

Exhibit 19

From: [McDougall, Michael](#)
To: [^FOIA Public Liaison](#); [Chyn, C. T. Monica](#); mary.ann.zimmerman@ssa.gov
Cc: [Keough, Christopher](#)
Subject: RE: [EXTERNAL] RE: FOIA Appeal SSA-2019-002259 Submitted
Date: Wednesday, June 26, 2019 3:41:02 PM

We are entitled to a decision on our appeal. Specifically, we request SSA's immediate decision on the following:

- 1) We request your immediate decision on production of the SSID records requested for 116 of the 117 individuals that the agency refused to produce on the alleged ground that we did not furnish SSA with acceptable proof of death. As explained in our appeal, we have furnished SSA with proof of death that is more than adequate under controlling regulations for 116 of the 117 individuals for whom SSA determined not to reduce the requested SSID records. We are prepared to promptly initiate an action in federal court absent express confirmation of SSA's determination to produce the records requested for those 116 individuals.
- 2) We request your immediate decision on the SSID records that the agency agreed to produce for the other 316 individuals included in the original FOIA request. As addressed in our appeal, the agency produced incomplete records without the computational and payment history data requested for the dates specified in the original FOIA request for 203 of the 316 individuals and produced no records at all for 113 of the 316 individuals. Your email implies that SSA has determined that it must produce the requested records, including the computational and payment history data requested for the dates specified in the original FOIA request for all 316 individuals. If SSA has made that determination, we request your immediate confirmation of that determination. If SSA has determined to produce the requested records (including the computational and payment history data for the dates specified in the original FOIA request) for all of the 316 individuals, we are amenable to attempting to work with SSA FOIA staff to minimize the need to reproduce again any SSID data (besides the computational and payment history data) that SSA redacted from the records already produced for the 203 individuals.
- 3) We disagree with your comment in your email below that our request does not meet expedited processing criteria. As noted in our original FOIA request, expedited processing is required because without these records the hospitals "may be denied a legal right, benefit, or remedy," and the requested information "cannot be obtained elsewhere in a reasonable amount of time." 20 C.F.R. § 402.140(d). The hospitals on whose behalf we made the FOIA request have appeals pending before the Medicare Provider Reimbursement Review Board contesting the determination of the Centers for Medicare & Medicaid Services as to the hospitals' respective percentages of Medicare patients who were entitled to SSI benefits for the period of their inpatient hospitalization. The SSID records requested are dispositive to the issue in dispute in those appeals, which are scheduled to be heard by the Board in July 2020. Expedited processing of the FOIA request, and our appeal from SSA's determination on that request, is therefore required under 20 C.F.R. § 402.140(d).

Sincerely,

Mike McDougall

Michael J McDougall

AKIN GUMP STRAUSS HAUER & FELD LLP

Direct: [+1 202.887.4433](tel:+1202.887.4433) | Internal: [24433](tel:24433)

From: ^FOIA Public Liaison <FOIA.Public.Liaison@ssa.gov>
Sent: Friday, June 21, 2019 7:33 AM
To: McDougall, Michael <mmcdougall@akingump.com>
Subject: FW: [EXTERNAL] RE: FOIA Appeal SSA-2019-002259 Submitted

Mr. McDougall:

Please provide a response to the question below so that we can begin working on responding to your appeal.

Thank you,

The FOIA Team

SSA

From: ^FOIA Public Liaison
Sent: Wednesday, June 12, 2019 11:31 AM
To: 'mmcdougall@akingump.com' <mmcdougall@akingump.com>
Subject: RE: [EXTERNAL] RE: FOIA Appeal SSA-2019-002259 Submitted

Mr. McDougall:

Your appeal was filed on 05/06/19. Social Security Administration processes FOIAs based on the first in-first out principle. Additionally, your appeal does not meet the expedited processing criteria.

Please let us know the following: do you want the same full SSID that will now include the full computation history and full payment history, or just the full computation history and full payment history?

Once we receive your response to the question above, we will be able to provide you with an estimated completion date.

Thank you,

The FOIA Team

SSA

From: McDougall, Michael <mmcdougall@akingump.com>

Sent: Tuesday, June 11, 2019 10:50 AM

To: ^FOIA Public Liaison <FOIA.Public.Liaison@ssa.gov>

Cc: Zimmerman, Mary Ann <Mary.Ann.Zimmerman@ssa.gov>; Chyn, C. T. Monica <C.T.Monica.Chyn@ssa.gov>

Subject: RE: [EXTERNAL] RE: FOIA Appeal SSA-2019-002259 Submitted

As you are aware, this FOIA process has been pending for years. I would like to know when (i.e. a calendar date) we can expect a response to our appeal.

Thank you,

Mike McDougall

From: ^FOIA Public Liaison <FOIA.Public.Liaison@ssa.gov>

Sent: Friday, June 7, 2019 2:21 PM

To: McDougall, Michael <mmcdougall@akingump.com>

Subject: RE: [EXTERNAL] RE: FOIA Appeal SSA-2019-002259 Submitted

Mr. McDougall:

Thank you for your email. We are working with our Operations component in order to provide you with a response to your appeal, SSA-2019-002259. We appreciate your patience.

Thank you,

The FOIA Team

SSA

From: McDougall, Michael <mmcdougall@akingump.com>

Sent: Thursday, June 06, 2019 5:21 PM

To: Zimmerman, Mary Ann <Mary.Ann.Zimmerman@ssa.gov>; Chyn, C. T. Monica <C.T.Monica.Chyn@ssa.gov>; ^FOIA Public Liaison <FOIA.Public.Liaison@ssa.gov>

Subject: [EXTERNAL] RE: FOIA Appeal SSA-2019-002259 Submitted

Ms. Zimmerman, Ms. Chyn,

Please let us know when we can expect a decision on the above-captioned FOIA appeal. As this appeal was filed more than 20 working days ago, pursuant to 20 C.F.R. § 402.200(b), we anticipate that SSA will issue a decision promptly. Any update that you can provide on this process would be appreciated.

Thank you for your attention to this matter.

Sincerely,

Mike McDougall

Michael J McDougall

AKIN GUMP STRAUSS HAUER & FELD LLP

Direct: [+1 202.887.4433](tel:+1202.887.4433) | Internal: [24433](tel:24433)

From: Keough, Christopher
Sent: Monday, May 06, 2019 10:36:16 AM (UTC-05:00) Eastern Time (US & Canada)
To: AkinGump Appeals
Cc: McDougall, Michael
Subject: FW: FOIA Appeal SSA-2019-002259 Submitted

From: admin@foiaonline.gov <admin@foiaonline.gov>
Sent: Friday, May 3, 2019 10:33 AM
To: Keough, Christopher <ckeough@AKINGUMP.com>
Subject: FOIA Appeal SSA-2019-002259 Submitted

****EXTERNAL Email****

This message is to notify you of a new appeal submission to the FOIAonline application.
Appeal information is as follows:

- Appeal Tracking Number: SSA-2019-002259
- Request Tracking Number: SSA-2017-001087
- Requester Name: Christopher Keough
- Date Submitted: 05/03/2019
- Appeal Status: Submitted
- Description: Please see the attached appeal request and accompanying exhibits regarding the above-captioned FOIA determination. A printed copy of these materials is being sent to your attention by overnight delivery.

Please do not hesitate to contact me if you have any difficulty accessing these files.
The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.
The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.